

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, FEBRUARY 10, 1997  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:23 p.m. Deputy Mayor Warden adjourned the meeting at 3:35 p.m. into Closed Session immediately following the regular meeting in the twelfth floor conference room to discuss existing litigation, and into Closed Session on Tuesday, February 11, 1997, at 9:00 a.m. in the twelfth floor conference room, to discuss existing litigation and property acquisition.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-excused by R-288422  
(City business in Washington, D.C.)
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Fishkin (lh)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-not present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Raymond Purcell, Family Involvement Minister of the Allied Gardens Church of Christ.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member McCarty.

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell commented on "by what authority." He had comments regarding the Public Facilities Financing Authority and also questioned the public comment time limit. Mayor Golding responded to his question regarding the Public Facilities Financing Authority by telling him that this agency has been approved, all the way up to the Supreme Court, as a legal and acceptable method of financing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A029-059.)

ITEM-PC-2:

Dr. Art Salzberg commented on the Naval Training Center and its use for the homeless. He said it is their right and called upon the City Council to put homeless people on this site.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A060-083.)

ITEM-PC-3:

Gary Hill commented on the accessibility of bus transportation to and from stadium events. His complaint was regarding inadequate transportation after events. Council Member Stallings suggested he get in touch with Metropolitan Transit Bus.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A084-105.)

ITEM-PC-4:

Reginald V. Finch complained to Council about his unsuccessful attempts in trying to lease space at Brown Field Airport and asked for Council's help. Council Member Warden informed him that her staff is looking into this matter. The City Manager stated that Mr. Finch is a sublessee of an existing lessee of city-owned property and his problem is with the lessee and also confirmed that his staff is in contact with Paladin Aviation to help correct the problem.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A106-138.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Wear responded to the public comment by Dr. Art Salzberg. He said the City Council voted for a \$7.5 million transitional housing grant as a result of the closure of the Naval Training Center, which he says is the most generous plan ever proposed for any transitional housing on any base in the United States. He also said there will be some 200 beds located throughout his district for the homeless, and this plan was approved by the Homeless Subcommittee.

Mayor Golding joined in to say that the City opened up an inclement weather shelter for the homeless this winter which the City does not receive funding for. She said most of the funding goes to the County.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A140-157.)

ITEM-CC-2:

Council Member McCarty wanted to thank the Police Department for the way they handled the bus hijacking last Friday which started and ended in her district. She said they did an excellent job. She also said this incident will be the subject of discussion at a future Public Services and Neighborhood Safety Committee meeting.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A158-172.)

ITEM-CC-3:

Council Member Stevens gave his thanks to the organization responsible for making the bumper stickers expressing support for the stadium expansion.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A173-175.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

12/23/96 Adjourned  
12/24/96 Adjourned  
01/13/97  
01/14/97  
01/20/97 Adjourned  
01/21/97 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A176-184.)

MOTION BY MATHIS TO APPROVE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Commending Cox Communications for Donation of Services to the Library.

(Districts 2, 3, 4, 7 and 8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-528) ADOPTED AS RESOLUTION R-288315

Acknowledging and accepting the generous donation of Cox Communications and thanking and commending them for their contribution to the San Diego Public Library.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A320-398.)

MOTION BY WARDEN TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: Marion Miller.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-97-755) ADOPTED AS RESOLUTION R-288316

Recognizing Marion Miller for her unequivocal devotion to the Ocean Beach community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A399-433.)

MOTION BY WARDEN TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33: DISCUSSED

In the matter of an Anti-Gang Poster Campaign, a private venture initiated by Mr. Robert Bogstad.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A185-319.)

\* ITEM-50:

SUBJECT: Rezoning 64.8 acres located in Sabre Springs Parkway, Poway Road, and Springbrook Drive.

(RZ-96-0442. Sabre Springs Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/28/97 (Council voted 9-0.):

(O-97-67) ADOPTED AS ORDINANCE O-18381 (New Series)

Rezoning 64.8 acres located in Sabre Springs Parkway, Poway Road, and Springbrook Drive, into R1-5000, R-2000, R-1500, CO, and CA Zones.

FILE LOCATION: ZONE - O-18381

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-51:

SUBJECT: Vietnamese Federation Community Center.

(Linda Vista Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on  
1/27/97.

(Council voted 9-0):

(O-97-70) ADOPTED AS ORDINANCE O-18382 (New Series)

Authorizing the City Manager to execute a 50-Year  
Property Use Agreement with the Vietnamese Federation  
of San Diego;

Authorizing the expenditure of an amount not to exceed  
\$75,000 from CDBG Fund No. 18532;

Authorizing an agreement with Carol K. Stark and the  
Vietnamese Foundation of San Diego to extend for two  
years the due and payable date on the Private Note  
secured by the First Deed of Trust and waive the Due on  
Sale provision.

Aud. Cert. 9700629.

FILE LOCATION: LEAS - Vietnamese Federation of San Diego  
LEASFY97-1

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO DISPENSE WITH THE READING AND  
ADOPT ORDINANCE. Second by Mathis. Passed by the following  
vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea,  
Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor  
Golding-yea.

\* ITEM-52:

SUBJECT: North City Cogeneration Project (Privatized).

(University Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-69) INTRODUCED, TO BE ADOPTED FEBRUARY 24, 1997

Introduction of an Ordinance authorizing a 20-year amendment to the agreement with Minnesota Methane, LLC, and authorizing a 20-year agreement with NEO Corporation, regarding the Miramar Landfill Cogeneration Project.

CITY MANAGER SUPPORTING INFORMATION:

On December 4, 1995, under Ordinance No. O-18235, the City Council authorized Phase I of the Miramar Cogeneration and Landfill Gas Project, and authorized the City Manager to enter into privatization agreements with Minnesota Methane, LLC and NEO Corporation. Minnesota Methane, LLC was authorized to design a cogeneration facility at the Metro Biosolids Center (MBC) to beneficially use the Miramar Landfill Gas (LFG) and MBC digester gas to provide MBC with electricity and thermal energy at reduced rates.

Gas rights to the Miramar Landfills and MBC digesters were granted to NEO Corporation which was authorized to finance, design, and construct the North, West Phase I, and to start the West Phase II Miramar Landfill Gas Collection Systems. All four of the Miramar LFG collection systems will be operated and maintained by NEO Corporation. Under Resolution No. R-287116, adopted on April 1, 1996, City Council authorized Minnesota Methane, LLC and NEO Corporation to proceed with Phase II of the Miramar Cogeneration and Landfill Gas Project privatization agreements which included the financing, construction, and operations of the MBC cogeneration facility and the Miramar LFG conveyance system. This amendment is to lease a parcel approximately 0.676 acres to Minnesota Methane, LLC and to buy electricity at reduced rates from Minnesota Methane, LLC to be used at the North City Water Reclamation Plant (NCWRP).

The North City Cogeneration Facility (NCCF) will be fueled by LFG and will be located at the NCWRP. The electrical energy will be delivered to NCWRP at reduced rates with excess electricity sold to the SDG&E power grid. The NCCF includes a Landfill Gas Compressor Station located near the West Phase II Miramar Landfill. The compressed LFG will be delivered from the Miramar Landfill via a 10" City owned pipeline currently being installed. The City will receive an 8 percent fee from Minnesota Methane, LLC for the sale of energy off the Miramar lease site. Proceeds will be used to finance a \$1,677,251.70 loan provided by the Privatizer to install the West Phase II Miramar Landfill Gas System as described in the amendment. The well installation



agreement limits the City's obligation to repay the Privatizer's loan to only those funds realized from the off-site sale fees. The off-site sale fees are projected to cover the entire \$1,677,251.70 within the 20 year term of the contract. The City reserves the right to refinance or pay off the Privatizer's loan at any time.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO INTRODUCE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-100:

SUBJECT: Approving Parcel Map W.O. No. 960491.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-784) TRAILED TO FEBRUARY 11, 1997

Approving Parcel Map W.O. No. 960491.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ACCEPT COUNCIL MEMBER WARDEN'S REQUEST TO TRAIL THIS ITEM TO FEBRUARY 11, 1997, IN ORDER TO HAVE TIME TO CLARIFY THE PARCEL. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-101:

SUBJECT: North Mission Valley Interceptor Sewer - Abandonment of Easement.

(Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-789) ADOPTED AS RESOLUTION R-288317

Authorizing the City Manager or his designee to execute a quitclaim deed, quitclaiming to Interstate Hotels Partners, L.P., the City's right, title and interest in a surplus sewer easement over a portion of Lot 1 of Rio Vista Center, Map-10305.

CITY MANAGER SUPPORTING INFORMATION:

In January 1982, the City acquired a no cost easement from the Interstate Hotels Partners, L.P., for the realignment of the North Mission Valley Interceptor Sewer line. The newly constructed 72-inch and 96-inch line replaced a 54-inch line which was inadequate to service anticipated growth in the eastern areas of the city and county. As consideration for the no-cost easement, and after installation of the new sewer line, the City was to quitclaim its interest in the abandoned easement crossing the subject property. The new sewer line is now in and operating. The area of abandonment is 11,079 square feet. The easement has been reviewed by all affected City departments, and, in accordance with Council Policy 600-15, there is no prospective use for the easement, either for the use for which they were originally acquired, or for any other public use of a like nature that can be anticipated.

FILE LOCATION: DEED F-6923 DEEDFY97-1

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-102:

SUBJECT: Street Dedication - El Camino Real and Electrical  
Easement Acquisition.

(Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-773) ADOPTED AS RESOLUTION R-288318

Authorizing the acceptance by the City Manager of a grant deed of American Assets, Inc., granting to the City an easement for public street purposes in a portion of Lot 1, Torrey Reserve Unit No. 1, Map-13082; dedicating said land as and for a public street and naming the same El Camino Real;

Authorizing the execution of a grant deed, granting to the City an easement for electrical facilities in a portion of Lot 1, Torrey Reserve Unit No. 1, Map-13082.

FILE LOCATION: DEED F-6924 DEEDFY97-2

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-103:

SUBJECT: Objecting to the San Diego County Tax Collector's Tax Sale of Assessor's Parcel Number 646-150-34-00.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-772) ADOPTED AS RESOLUTION R-288319

Objecting to the San Diego County Tax Collector's tax sale of Assessor's Parcel Number 646-150-34-00 located in City of San Diego Assessment District No. 4011.

CITY MANAGER SUPPORTING INFORMATION:

On May 15, 1995, the City Council adopted Resolution R-285753 ordering that an action be brought in the Superior Court to foreclose the assessment liens against Assessor's Parcel No.

646-150-34-00 in Assessment District No. 4011. When this lawsuit was filed, the City relieved the Tax Collector of the County of San Diego of any further duty to collect the delinquent assessments. The City prosecuted this action to a final judgement of foreclosure that was entered on October 17, 1996. On November 7, 1996, the San Diego County Marshal was instructed to levy on and sell the parcel at public auction. The Marshal's public auction is scheduled to take place during the month of March 1997.

The Tax Collector of the County of San Diego has notified the City that the subject property will be sold at a tax sale to be held on February 28, 1997.

If the City of San Diego desires to protect its lien rights, California Revenue and Taxation Code Section 3695 requires that they file with the County Tax Collector and the Board of Supervisors certified copies of a resolution objecting to the sale. By filing a resolution objecting to the sale, the City of San Diego preserves its assessment lien on the parcel such that the lien will be unaffected by the County Tax Collector's tax sale.

This will include the amount removed from the tax roll for collection through the foreclosure action.

FILE LOCATION: STRT - D-2265

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-104:

SUBJECT: Angle Parking on 41st Street.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-740 Cor. Copy) ADOPTED AS RESOLUTION R-288320

Permitting angle parking on the east side of 41st

Street between Landis Street and Wightman Street;

Directing staff to install lines on the surface of the street to indicate angle parking.

CITY MANAGER SUPPORTING INFORMATION:

This action will permit angle parking on the east side of 41st Street between Landis Street and Wightman Street. This segment of 41st Street is a local residential street. Currently, parking is parallel on both sides. This will substantially increase the number of parking spaces on this block of 41st Street. Accordingly, the installation of the angle parking on the east side of 41st Street between Landis Street and Wightman Street is recommended. Angle parking may be permitted on City streets by a City Council Resolution in accordance with Municipal Code Section 86.03.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-105:

SUBJECT: Excusing Councilmember Valerie Stallings from the Council Meeting of 12/10/96.

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-787) ADOPTED AS RESOLUTION R-288321

Excusing Councilmember Valerie Stallings from attending the afternoon portion of the regularly scheduled Council meeting of December 10, 1996, due to a previous commitment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis.

Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-106:

SUBJECT: Removal of Architectural Barriers for Disabled -  
Contract No. 38.

(Districts-1, 2, 3, 4, 5 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-762) ADOPTED AS RESOLUTION R-288322

Authorizing the expenditure of an amount not to exceed  
\$51,800 from CDBG Fund No. 18532, Dept. No. 4120, Org.  
No. 2019; \$49,600 from CDBG Fund No. 18531, Dept. No.  
4091, Org. No. 9118; \$100,000 from CDBG Fund No. 18532,  
Dept. No. 4120, Org. No. 2001, for providing funds for  
the construction of Removal of Architectural Barriers  
for Disabled - Contract No. 38 and related costs.

CITY MANAGER SUPPORTING INFORMATION:

Community Block Grant Fund Nos. 18531 and 18532 provides for the  
design and construction of pedestrian ramps. The ramps are  
required because persons with disabilities and many senior  
citizens find mobility restricted by curbs which are difficult to  
negotiate. This project will provide 140 pedestrian ramps.

Aud. Cert. 9700670.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-107:

SUBJECT: Participation Agreement with San Diego Unified School District for the Design and Construction of Sewer Main for Kimbrough Elementary School.

(Southeast San Diego Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-778) ADOPTED AS RESOLUTION R-288323

Authorizing an agreement with San Diego Unified School District, for the design and construction of sewer main improvements in Dodson and K Streets;

Authorizing the expenditure of not to exceed \$40,445 from CIP-44-001.0, Annual Allocation - Sewer Main Replacements.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Unified School District (District) is improving certain portions of the sewer system in Dodson and K Streets for development of the Kimbrough Elementary School site. These improvements include the removal of approximately 660 lineal feet of existing 6-inch concrete easement sewer main and replacement of that main with approximately 660 lineal feet of 8-inch PVC sewer main in Dodson and K Streets. The scope of these site improvements is based upon the conclusions of a Sewer Study which was prepared for the District by a private engineer.

The Sewer Study was reviewed and accepted by the Water Utilities Section, Land Development Review Division, Development Services Department on behalf of the Metropolitan Wastewater Department. Since the City's direct benefit represents 52 percent of the project's costs, staff recommends reimbursement to the District of 52 percent of the design and construction of the sewer main improvements, provided the work is completed to the satisfaction of the City Engineer and that the total reimbursement to the District will not exceed \$40,445.

Aud. Cert. 9700688.

DSP-96-256.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-108:

SUBJECT: 1997 Legislative Calendar for the Months of March  
through December 1997.

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-802) ADOPTED AS RESOLUTION R-288324

Adopting the schedule of meetings for the City Council  
and Standing Committees of the City Council, for the  
period of March 1, 1997 through December, 1997.

RULES COMMITTEE'S RECOMMENDATION:

On 1/27/97, RULES voted 5-0 to adopt the Legislative Calendar of  
meetings of the City Council and Standing Committees of the City  
Council for the months of March through December, 1997.  
(Councilmembers Mathis, Wear, Stevens, Warden and Mayor Golding  
voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: San Diego Municipal Code Amendments Required to  
Implement the Retirement System Proposal.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:



(O-97-75) INTRODUCED, TO BE ADOPTED FEBRUARY 24, 1997

Introduction of an Ordinance amending Chapter II, Article 4, of the San Diego Municipal Code, relating to Retirement Regulations.

CITY MANAGER SUPPORTING INFORMATION:

On July 2, 1996, after meeting and conferring with the Police Officers Association, Local 145, MEA, and Local 127, the City Council approved a proposal to implement a number of revisions to the City Employees' Retirement System subject to the satisfaction of various contingencies contained in the proposal. The City Attorney's Office has developed the necessary amendments to the San Diego Municipal Code that will implement the various provisions of the Retirement Proposal. It is recommended that the City Council approve an Ordinance authorizing these changes subject to a vote of Retirement System Members as specified in the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A560-B334.)

MOTION BY STEVENS TO INTRODUCE THE ORDINANCE WITH DIRECTION TO THE CITY ATTORNEY TO CLARIFY THE LANGUAGE OF THE RESTORATION OF WIDOWS BENEFITS AND INCLUDE LANGUAGE FOR CONTINUED HEALTH BENEFITS FOR FAMILIES OF OFFICERS WHO WERE KILLED IN THE LINE OF DUTY. IN ADDITION, REQUEST THAT THE CITY MANAGER, THE RETIREMENT BOARD, THE ADMINISTRATOR, AND THE ACTUARY, CONTINUE THEIR DISCUSSIONS AND PROVIDE ADDITIONAL INFORMATION REGARDING THE DIFFERENT LEVELS OF BENEFITS TO AUGMENT THE RETIREES ANNUAL ALLOWANCE AND RETURN TO COUNCIL IN SIXTY (60) DAYS WITH THEIR RESULTS. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-201:

SUBJECT: Appointment to the Civic Events and Promotional Programs Allocation Board.

(See memorandum from Mayor Golding dated 2/4/97 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt Subitem B and File Subitem A:

Subitem-A: (R-97-800) FILED

(Trailed from January 27, 1997, to January 28, 1997, portion of Item 123; continued from January 28, 1997, at the request of Councilmember Stevens, for further review.)

Confirming the reappointment by the Mayor of Peggy Dodson to the Civic Events and Promotional Programs Allocation Board, for a term expiring September 30, 1998.

Subitem-B: (R-97-800 Rev.) ADOPTED AS RESOLUTION R-288325

Confirming the appointment by the Mayor of Sylvia M'Lafi Thompson to the Civic Events and Promotional Programs Allocation Board, for a term expiring September 30, 1998.

FILE LOCATION: Subitems A,B: MEET

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO FILE SUBITEM A AND ADOPT SUBITEM B. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

(Continued from the meetings of January 13, 1997, Item 117, and January 27, 1997, Item 201; last continued at the City Manager's request, for further review.)

SUBJECT: Preliminary Official Statement and Continuing Disclosure Agreement for the Convention Center Expansion Financing Authority Lease Revenue Bonds.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-685) RETURNED TO CITY MANAGER

Authorizing the City Manager to execute the Preliminary

Official Statement and Continuing Disclosure Agreement  
for the Convention Center Expansion Financing Authority  
Lease Revenue Bonds, Series1996A;

Authorizing the City Manager to enter into any non-material, non-substantive changes or additions to the Preliminary Official Statement and Continuing Disclosure Agreement which the City Manager shall approve as being necessary or in the best interest of the City, and which, in the opinion of the City Attorney, do not: 1) increase the financial commitments or the scope of the obligations of the City; or 2) decrease revenue to the City.

CITY MANAGER SUPPORTING INFORMATION:

Due to the delay in the financing caused by the litigation, portions of certain financing documents, originally approved by the City Council in March 1996 (Ordinance O-18270), contain information which is out of date. It is requested that the City Council approve the revised versions of the Preliminary Official Statement and the Continuing Disclosure Agreement in conjunction with the Convention Center Expansion Financing Authority's issuance of Lease Revenue Bonds to finance the Convention Center Expansion.

FILE LOCATION: MEET (Convention Center #62)

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ACCEPT MAYOR GOLDING'S RECOMMENDATION TO RETURN THIS ITEM TO THE CITY MANAGER TO BE COMPLETED. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Industrial Medical Services Agreement with Sharp  
Rees-Stealy Medical Group, Inc.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-786) ADOPTED AS RESOLUTION R-288326

Authorizing a first amendment to the agreement with Sharp Rees-Stealy Medical Group, Inc. to provide industrial medical services;

Authorizing the City Manager to approve the first of two, one year options in the first amendment to the agreement;

Authorizing the expenditure of not to exceed \$1,250,000 from Fund 60029.

CITY MANAGER SUPPORTING INFORMATION:

The Industrial Medical Services Contract (R-285443) contains a renewal clause that allows the City and Sharp Rees-Stealy Medical Group, Inc. (SRS) to extend the contract for two additional one year periods. The existing two-year Industrial Medical Contract with SRS, to provide industrial medical services to the City, began March 6, 1995 and ends on March 6, 1997. The first one year option to renew the Industrial Medical Services Contract will begin March 7, 1997 and end on March 6, 1998.

SRS has agreed to provide the same pricing structure for services contained in the existing contract for the one year renewal option. The following cost reduction components contained in the contract will save the City of San Diego about \$2,000,000 during the contract year. The cost reduction components include the following:

- A discounted medical fee schedule
- Use of a bill review system
- A physician, hospital, surgical center preferred provider organization
- A utilization review and medical/disability management program

Aud. Cert. 9700706.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204:

SUBJECT: Montgomery Pipeline Emergency Repair.

(Mission Village Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-774) ADOPTED AS RESOLUTION R-288327

Authorizing a contract with Vadnais Corporation to perform emergency main break repair work on the Montgomery Pipeline at the northwest corner of Murphy Canyon Road and Aero Drive;

Authorizing the expenditure of not to exceed \$115,000 from Water Fund 41500, for providing funds for the project.

NOTE: 6 votes required.

CITY MANAGER SUPPORTING INFORMATION:

This action requests work to be completed by Vadnais Corporation due to the steep slope at this location. This type of work is beyond the expertise and equipment of City work forces. This repair is emergency in nature due to the fact that the San Diego Water Authority has scheduled a 10 day shutdown of the filtered water pipeline starting February 3, 1997. The City's distribution system cannot supply the area during the shutdown with this section of the pipeline out of service. There will be severe low pressure and some areas completely out of water.

Aud. Cert. 9700699.

FILE LOCATION: CONT - Vadnais Corporation CONTFY97-1

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205:

SUBJECT: Inviting Bids for the Construction of West Miramar  
Landfill Phase II - Module B.

(Miramar Naval Air Station. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-355) ADOPTED AS RESOLUTION R-288328

Inviting bids for the Construction of West Miramar Landfill  
Phase II - Module B on Work Order No. 370564;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of not to exceed \$6,100,000 from  
CIP-37-056.0, West Miramar Refuse Disposal Facility - Phase  
II, Sublet No. 37-056.4, West Miramar Landfill Liner Module  
B, Environmental Services Enterprise Fund No. 41201;

Authorizing the Auditor and Comptroller, upon advice from  
the administering department, to transfer excess budgeted  
funds, if any, to the appropriate reserves. (BID-K97064C)

CITY MANAGER SUPPORTING INFORMATION:

The 807-acre West Miramar Landfill Refuse Disposal Facility is  
located east of I-805, south of the U.S. Navy's Naval Air Station  
and north of State Route 52. The Environmental Services  
Department operates the Miramar Landfill under a lease from the  
United States of America which is administered by the U.S. Navy.

Landfilling operations began in 1982 in the Phase I area and are  
scheduled to continue in the Phase II area through 2010 or later.  
In 1991, Congress passed the Resource Conservation and Recovery  
Act (RCRA). A portion of the Act (Part 257-258, 40 CFR) referred  
to as "Subtitle D" affects all landfills accepting municipal  
solid waste after October 9, 1993. The purpose of this action is  
to approve the plans and specifications, authorize the  
expenditure of the necessary funding required to construct the  
improvements for the Module B area to meet the regulatory  
requirements mandated under "Subtitle D," and authorize the City  
Manager to execute a contract with the lowest responsible bidder.  
The improvements to be constructed include a composite liner  
system, leachate collection network and monitoring facilities.  
This will be the third of six modules to be constructed with a  
composite liner system.

Aud. Cert. 9700705.

FILE LOCATION: W.O. 370564 CONT-Godot Enterprises, Inc.  
CONFY97-1

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-206:

SUBJECT: FIRP Phase II Digested Sludge and Centrate Pipelines,  
CIP-40-921.0.

(Mission Bay Park, Mission Valley, Linda Vista and  
Clairemont Mesa Community Areas. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-751) ADOPTED AS RESOLUTION R-288329

Authorizing the expenditure of not to exceed \$1,141,389 from Sewer Fund No. 41509, CIP-40-921.0, Fiesta Island Replacement Project Phase II Digested Sludge and Centrate Pipelines, to provide funds for owner controlled insurance, pending construction change orders, and other related costs for this project, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice of the administering department, to transfer excess budgeted funds, if any to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The FIRP Phase II Digested Sludge & Centrate Pipeline project is nearing completion. Authorization of funding is required for the following: Change Order No. 4 with T.C. Construction - Package C in the amount of \$184,616 to accelerate the schedule for installing pipe and appurtenances; Change Order No. 3 with T.C. Construction - Package B in the amount of \$47,387 to provide and install additional steel casing and coating; \$327,692 for owner controlled insurance and \$581,694 for other related costs such as

administration, environmental and permits and fees. This funding is available within the fund balance of this project's budget.

Aud. Cert. 9700545.

FILE LOCATION: CONT - T.C. Construction Co. Inc.

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-207:

SUBJECT: Declaring a Continued State of Emergency Regarding the  
Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update. San Ysidro and Tijuana  
River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-779) ADOPTED AS RESOLUTION R-288330

Declaring a continued State of Emergency regarding the  
discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the  
Discharge of Raw Sewage from Tijuana,  
Mexico

COUNCIL ACTION: (Tape location: A441-559.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Mathis.  
Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-not present, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.



ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Warden at 3:35 p.m. in honor of the memory of:

Walter V. Raftery as requested by Council Member Stevens;

Agnes Golden as requested by Council Member Wear; and

Dale M. Ray and Seymour Cain as requested by Council Member Mathis.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B340-422).